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Dry Bulk Singapore Pte. Ltd.*

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

DRY BULK SINGAPORE PTE. LTD.,

Plaintiff,

vs.

AMIS INTEGRITY S.A. *in personam* and
M/V AMIS INTEGRITY (IMO 9732412)
her engines, freights, apparel, appurtenances,
tackle, etc., *in rem.*,

Defendants.

No. 3:19-CV-01671-BR

Admiralty

**PLAINTIFF DRY BULK SINGAPORE
PTE. LTD.'S ANSWER TO
COUNTERCLAIM OF DEFENDANT
AMIS INTEGRITY S.A.**

COMES NOW, Plaintiff DRY BULK SINGAPORE PTE. LTD. (hereinafter "DRY BULK" or "Plaintiff"), by and through its undersigned counsel, hereby respectfully submits its answer to the Counterclaim raised by Defendant, AMIS INTEGRITY S.A. (hereinafter "AMIS"),

as follows:

COUNT I – WRONGFUL ARREST

1. Plaintiff denies the allegations contained in Paragraph 1.

2. Plaintiff admits the allegations contained in Paragraph 2.

3. Plaintiff admits the allegations contained in Paragraph 3.

4. Plaintiff admits the allegations contained in Paragraph 4 in so much as Plaintiff did file a Verified Complaint, alleged wrongful withdrawal and tortious interference with a contract, and arrested the M/V AMIS INTEGRITY (hereinafter “the Vessel”); however, Plaintiff denies the remaining allegations contained in Paragraph 4.

5. Plaintiff denies the allegations contained in Paragraph 5.

6. Plaintiff denies the allegations contained in Paragraph 6.

7. Plaintiff denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7.

8. Plaintiff denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Defendant’s counterclaim fails to state a cause of action on which relief can be granted

SECOND AFFIRMATIVE DEFENSE

Defendant’s counterclaim is barred by the doctrine of unclean hands.

THIRD AFFIRMATIVE DEFENSE

Any alleged damages caused to Defendant were due to intervening and/or superseding causes for which Plaintiff is not responsible.

FOURTH AFFIRMATIVE DEFENSE

Defendant's alleged damages, if found and which are denied, were due to their own acts and/or omissions and Plaintiff is not responsible for same.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff has a valid maritime lien against the M/V AMIS INTEGRITY and the arrest of the Vessel was lawful and in accordance with all applicable laws, regulations and case law.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff hereby asserts and reserves unto themselves the defenses of accord and satisfaction, arbitration and award, discharge in bankruptcy, duress, estoppel, failure of consideration, fraud, illegality, laches, license, payment, release, res judicata, statute of frauds, statute of limitations, waiver, and other matters constituting an avoidance or an affirmative defense, which further investigation of this matter may prove applicable herein.

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WHEREFORE, Plaintiff DRY BULK SINGAPORE PTE. LTD., hereby demands judgment dismissing the counterclaim of AMIS INTEGRITY S.A. and further demands costs and disbursements, together with such other and further relief as this Honorable Court may deem just and proper.

Dated this 4th day of December 2019

Respectfully submitted,

SCHWABE, WILLIAMSON & WYATT, P.C.

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